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EXAMINER

COUGHLAN, PETER D

ART UNIT

PAPER NUMBER

2129

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,351

Applicant(s)

COWAN ET AL.

Examiner

Peter Coughlan

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/29/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## Detailed Action

1. This office action is in response to an AMENDMENT entered August 16, 2006 for the patent application 10/058351 filed on January 29, 2002.
2. The First Office Action of May 25, 2006 is fully incorporated into this Final Office Action by reference.

## *Status of Claims*

3. Claims 1-44 are pending.

## **35 USC § 101**

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-14 are rejected under 35 U.S.C. 101 for nonstatutory subject matter.

The computer system must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77. The invention is ineligible because it has not been limited to a substantial practical

Art Unit: 2129

application. A system that provides the services of 'retaining, analyzing, managing, maintaining and retrieving' are all function that remain within the boundaries of the system and do not provide a practical application.

In determining whether the claim is for a "practical application," the focus is not on whether the steps taken to achieve a particular result are useful, tangible and concrete, but rather that the final result achieved by the claimed invention is "useful, tangible and concrete." If the claim is directed to a practical application of the § 101 judicial exception producing a result tied to the physical world that does not preempt the judicial exception, then the claim meets the statutory requirement of 35 U.S.C. § 101.

The invention must have a purpose or function which is applicable in a real world situation.

The invention must be for a practical application and either:

- 1) specify transforming (physical thing) or
- 2) have the FINAL RESULT (not the steps) achieve or produce a  
useful (specific, substantial, AND credible),  
concrete (substantially repeatable/ non-unpredictable), AND  
tangible (real world/ non-abstract) result.

A claim that is so broad that it reads on both statutory and non-statutory subject matter, must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended.

Claims that recite functions that remain within a closed environment and without an outside, real world function or application are not statutory. All these claims are still within an abstract concept boundary. Not a single specific application or use for this invention is stated which is required to overcome the 35 U.S.C. § 101 rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-11, 13-44 are rejected under 35 U.S.C. 102(e) (hereinafter referred to as **Bowman**) being anticipated by Bowman-Amuah, U.S. 6339832.

Claim 1.

Bowman anticipates at least one computer workstation (**Bowman**, C10:18-44); a server operably coupled to said at least one computer workstation via said network (**Bowman**, C27:1-8); a plurality of business applications executable via said server

Art Unit: 2129

(**Bowman**, C24:21-26); a data storage device storing information including files (**Bowman**, C47:51-58), documents (**Bowman**, C47:51-58; 'Documents' of applicant is equivalent to 'files' of Bowman.), spreadsheets (**Bowman**, C53:23-35), models resulting from execution of said business applications (**Bowman**, C191:9-23; 'Models' of applicant is equivalent to 'pattern' of Bowman.), said data storage device accessible to said server (**Bowman**, C157 through C2:4; A server is a storage device.); a tool for enabling retaining, analyzing, managing, maintaining and retrieving information, said tool executing on said server (**Bowman**, C10:56 through C11:2, C4::59-61, C8:35-38, C7:9-11; 'Retaining' and 'maintaining' are equivalent.), and including: a graphical user interface operable for implementing knowledge presentation and knowledge maintenance (**Bowman**, C1:47-56; 'Knowledge management enabling tool' of applicant is equivalent to 'web browser' of Bowman.); at least one application programming interface (**Bowman**, C15:63 through C16:13; One example of a 'programming interface' of applicant is equivalent to 'Sun's Java Application Programming Interface' of Bowman.); a solution environment including a role manager for obtaining and managing information about the users of said business applications (**Bowman**, C63:11-14; 'Role manager' of applicant is a subset of 'directory services' of Bowman.), and a context manager for maintaining information relating to a business context for said business applications (**Bowman**, C20:11-55, C15:63 through C16:13; 'Context manager' of applicant is equivalent to 'framework' of Bowman. 'Solution environment' of applicant is equivalent to 'interactive content' of Bowman.); and an enabling environment for retaining (**Bowman**, C8:35-38; 'Retaining' and 'maintaining' of applicant are

Art Unit: 2129

equivalent.), analyzing managing (**Bowman**, C10:56 through C11:2), maintaining (**Bowman**, C8:35-38; 'Retaining' and 'maintaining' of applicant are equivalent.) and retrieving information (**Bowman**, C7:9-11), said environment integrated with said plurality of business applications and said solution environment via said application programming interface; wherein said tool for enabling, retaining, analyzing, managing, maintaining and retrieving information facilitates receipt classification, storage, and retrieval services relating to knowledge via said plurality of business applications. (**Bowman**, C19:31-36; 'Business applications' of applicant is equivalent to 'business applications' of Bowman.)

## Claim 2.

Bowman anticipates knowledge management enabling environment includes: a repository including a knowledge base, comprising: a subcomponent configured to manage structured data stored in said knowledge base (**Bowman**, C41:34-48); a binary large object subcomponent configured to manage unstructured data stored in said knowledge base (**Bowman**, C53:23-55; An example of 'unstructured data' of applicant is equivalent to 'word processing' of Bowman.) a structuring component (**Bowman**, C55:15-19; 'Structured component' of applicant is equivalent to 'word taxonomies' of Bowman.); a search component (**Bowman**, C55:8-14; One example of a 'search component' of applicant is equivalent to 'full text search' of Bowman.); and a collaboration component. (**Bowman**, C50:28-31; 'Collaboration component' of applicant is equivalent to 'document management' of Bowman.)

Claim 3.

Bowman anticipates structured data includes metadata relating to a knowledge artifact, said metadata placing it in a logical context. (**Bowman**, C55:15-19; Bowman illustrates using synonyms and word taxonomies, can be used for a context search. This is parallel to applicants metadata relating to a knowledge artifact and placing it into a logical context. 'Logical context' of applicant is equivalent to the ability to conduct a 'context search' of Bowman.)

Claim 4.

Bowman teaches unstructured data includes: word processing files (**Bowman**, C47:45-49) presentations (**Bowman**, C28:15-17); spreadsheet files (**Bowman**, C47:45-49); software programs (**Bowman**, C47:45-49; 'Word processing' or 'spreadsheet' are examples of software programs.); templates (**Bowman**, C36:19-28); and industry-specific information. (**Bowman**, C12:11-19, C17:10-17; 'Industry-specific information' of applicant is illustrated by examples of 'process models' and 'architectural concepts' of Bowman.)

Claim 5.

Bowman anticipates a means for categorizing knowledge artifacts into taxonomies (**Bowman**, C55:15-19; If taxonomies existed as in Bowman, then they were used for categorizing.) ; a means for mapping said knowledge artifacts among related



Art Unit: 2129

taxonomies (**Bowman**, C55:15-19; 'Mapping' of applicant is equivalent to 'searching' of Bowman.); a means for providing annotations to said knowledge artifacts (**Bowman**, C41:24-33; 'Means for providing annotations' of applicant is equivalent to 'XML tags' of Bowman.); and a means for logically linking together said knowledge artifacts. (**Bowman**, C292:35-40; 'logically linking' of applicant is equivalent to 'logically related' of Bowman.)

Claim 7.

Bowman anticipates search component facilitates full text (**Bowman**, C55:8-14), graphic (**Bowman**, C36:11-15; 'Search' and 'graphic' of applicant is equivalent to 'collected' and 'display' of Bowman.), and parametric searching (**Bowman**, C55:20-23; 'Parametric searching' of applicant is accomplished by using Boolean expressions to set the parameters.) of said structured data and said unstructured data.

Claim 8.

Bowman anticipates collaboration component includes a means for: conducting threaded discussions (**Bowman**, C107:64-67; 'Threaded discussions' of applicant is accomplished by 'multi-threaded HTTP server' of Bowman.); facilitating document management (**Bowman**, C50:28-31); and providing electronic bulletin boards. (**Bowman**, C36:65-67)

Claim 9.

Art Unit: 2129

Bowman anticipates solution environment includes a web-enabled infrastructure of components, said components including at least one of: a role manager (**Bowman**, C102:35-46; 'Role manager' of applicant is equivalent to 'stores all relevant information about a user' of Bowman.); a context manager; a security manager; and a workflow manager.

Claim 10.

Bowman anticipates data storage device is accessible to said at least one computer workstation via at least one of said plurality of business applications, presentation components and said server. (**Bowman**, C10:56 through C11:2, C4::59-61, C8:35-38, C7:9-11; 'Retaining' and 'maintaining' are equivalent.),

Claim 11.

Bowman anticipates plurality of business applications include at least one of: project management; risk analysis; planning; and industry-specific tools. (**Bowman**, C12:11-19, C17:10-17; 'Industry-specific tools' of applicant is equivalent to 'process models' and 'architectural concepts' of Bowman.)

Claim 13.

Bowman anticipates graphical user interface is presented to said at least one computer workstation via a client technology including web browser technology.

(**Bowman**, C23:55 through C24:3)

Claim 14.

Bowman anticipates content management of said knowledge base is provided by said graphical user interface. (**Bowman**, C10:18-44; 'Graphical user interface' of applicant is equivalent to 'touch screen' or 'display' of Bowman.)

Claim 15.

Bowman anticipates graphical user interface allows interaction with said knowledge base based on workflow provided by said solution environment. (**Bowman**, C3:60-61; 'Interaction' of applicant is equivalent to 'dialog' of Bowman.)

Claim 16.

Bowman anticipates searching and access of said knowledge base is provided by said application programming interface and said graphical user interface. (**Bowman**, C110:32-35; 'Searching' and 'graphical user interface' of applicant is equivalent to 'collected information' and 'display' of Bowman.)

Claim 17.

Bowman anticipates application programming interface utilizes web-enabled open standards protocols. (**Bowman**, C1:57 through C2:4; 'Open standard protocol' of applicant is equivalent to 'HTTP' of Bowman.)

Claim 18.

Bowman anticipates network is an Internet network. (**Bowman**, C1:23-29)

Claim 19.

Bowman anticipates network is an Intranet network. (**Bowman**, C44:60 through C45:3)

Claim 20.

Bowman anticipates network is an Extranet network. (**Bowman**, C106:66 through C107:6)

Claims 21 and 33.

Bowman anticipates receiving data at an enabling environment for retaining, analyzing, managing, maintaining and retrieving information, said data relating to a project (**Bowman**, C10:56 through C11:2, C4::59-61, C8:35-38, C7:9-11; 'Retaining' and 'maintaining' are equivalent.), establishing a customer context relating to said project via a solution environment (**Bowman**, C10: 56 through C11:2; 'Establishing a customer context' of applicant is equivalent to 'analyzing' the data of Bowman.)

Art Unit: 2129

transferring said customer context to a solution environment (**Bowman**, C110:32-35; 'Transferring' of applicant is equivalent to 'format the information' of Bowman.); structuring said customer context (**Bowman**, C110:36-39; 'Structuring' of applicant is equivalent to 'output the report' of Bowman.); and storing said context in said solution environment. (**Bowman**, C110:36-39; Bowman illustrates storing the context onto disks.)

Claims 22 and 34.

Bowman anticipates retrieving data relating to a task, said task assigned to an individual via said project management tool; wherein said task comprises a directive to create a work product (**Bowman**, C172:20-32; 'Create a work project' of applicant is equivalent to 'create the deliverables' of Bowman.); searching said solution environment for a role of said individual (**Bowman**, C2:25-35; 'Solution environment' and 'role' of applicant is equivalent to 'response' and 'category field' of Bowman.); and establishing a project context that relates said data to said project (**Bowman**, C22:8-22; 'Project contents' of applicant is an element of 'LCS' where data is related to a project) and a role context that relates said role of said individual to said project. (**Bowman**, C150:7-13)

Claims 23 and 35.

Bowman anticipates aggregating said customer context, said project context, and said role context; and (**Bowman**, Fig.10; Bowman illustrates the aggregating of

Art Unit: 2129

customer context (**Bowman**, In this form it is equivalent to business logic 1022& 1024) and project context (**Bowman**, Fig.10; In this form it is equivalent to presentation) and role context (**Bowman**, Fig. 10; In this form it is equivalent to environment 1016 & 1018) transferring aggregated contexts to said project management tool. (**Bowman**, Fig.13; 'Project management tool' of applicant is equivalent to the display illustrated in Fig. 13.)

Claims 24 and 36.

Bowman anticipates gathering search data using terms found in said aggregated contexts and local information (**Bowman**, C110:1-12; 'Local information' of applicant is equivalent to 'report type' of Bowman.); executing a search in a knowledge repository for knowledge artifacts relating to said project (**Bowman**, C54:59 through C55:23); retrieving selected artifacts based upon search results (**Bowman**, C54:62 through C55:23; 'Retrieving selected artifacts' of applicant is accomplished by 'attribute search', 'full-text search', 'context search' and 'Boolean search'.); and transferring said task and said selected artifacts to said individual. (**Bowman**, C56:20-41; 'Transferring' of applicant is equivalent to 'communication' of Bowman.)

Claims 25 and 37.

Bowman anticipates upon completion of said task: packaging said work product with said selected artifacts and said aggregated contexts resulting in a work package (**Bowman**, C109:28-30); displaying content of said work package to said individual wherein (**Bowman**, C36:11-15; 'Displaying' of applicant is equivalent to 'display' of

Art Unit: 2129

Bowman.); said individual is requested to provide an approval status for submission of said selected artifacts to be included in said knowledge repository (**Bowman**, C247:1-6; 'Approval status' of applicant is equivalent to 'review' of Bowman.); and upon approval of said selected artifacts, transferring said work package to said knowledge management enabling environment. (**Bowman**, C1:47-56; 'Knowledge management enabling tool' of applicant is equivalent to 'web browser' of Bowman.)

Claims 26 and 38.

Bowman anticipates customer context includes information, including at least one of: a customer name; customer contact information; customer industry; contract information; products involved; and enterprise employees working with said customer. (**Bowman**, C128:66 through C129:10; 'Name' and 'contact information' of applicant is equivalent to 'name' and 'telephone number' of Bowman.)

Claims 27 and 39.

Bowman anticipates wherein said search data includes at least one of: a role; skills; language; industry; and technology. (**Bowman**, C25:43-46; 'Search data' of applicant is equivalent to 'requirements' of Bowman.)

Claims 28 and 40.

Bowman anticipates wherein said local information includes work product information including at least one of: schedule deadlines; project phase data, project

Art Unit: 2129

task data; and schedule information. (**Bowman**, C118:51-55; Bowman illustrates how deadlines are used to determine workflow.)

Claims 29 and 41.

Bowman anticipates executing a search in a knowledge repository includes utilizing structuring information from a structuring component for collecting and returning said knowledge artifacts. (**Bowman**, C54:62 through C55:7: 'Structuring component' of applicant is equivalent to 'words' of Bowman.)

Claims 30 and 42.

Bowman anticipates transferring said task and said selected artifacts to said individual includes providing at least one of: a description of said task (**Bowman**, C122:52-56; 'Description of task' of applicant is equivalent to 'proven solution' of Bowman.); examples of similar work products; and technique papers.

Claims 31 and 43.

Bowman anticipates task and said selected artifacts are transferred via at least one of: an email message to said individual (**Bowman**, C65:19-23); and a collaborative workplace accessible to said individual via a link to said task and said selected artifacts in said workplace.

Claims 32 and 44.



Bowman anticipates transferring said work package to said knowledge management enabling environment includes: storing work package data (**Bowman**, C36:11-15; 'Storing' and 'package data' of applicant is equivalent to 'field' and 'input textual data' of Bowman.); mapping said work package data to associated taxonomies (**Bowman**, C55:15-19; 'Mapping' of applicant is equivalent to 'searching' of Bowman.); initiating a workflow operable for implementing content management of said work package data (**Bowman**, C27:51-63); and storing results of said task in said knowledge repository. (**Bowman**, C41:34-48)

### ***Claim Rejections - 35 USC § 103***

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman, as set forth above, and further in view of Link. (U. S. Patent Publication 20010034028, referred to as **Link**)

Claim 6.

Bowman does not teach knowledge artifacts are mapped into taxonomies via at least one of: hard coded rules; similarity algorithms; clustering algorithms; and inference engines.

Link teaches knowledge artifacts are mapped into taxonomies via at least one of: similarity algorithms (**Link**, ¶0097); clustering algorithms (**Link**, ¶0207); and inference

engines. (**Link**, ¶0207) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Bowman by using standard mapping algorithms as taught by Link having knowledge artifacts mapped into taxonomies via at least one of: similarity algorithms; clustering algorithms; and inference engines.

For the purpose of using industrial standard algorithms which have a proven history for performing mapping tasks.

***Claim Rejections - 35 USC § 103***

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman, as set forth above, and further in view of Hutsch. (U. S. Patent Publication 20010034771, referred to as **Hutsch**)

Claim 12.

Bowman does not teach graphical user interface is presented to said at least one computer workstation in the form of a portlet within a portal.

Hutsch teaches graphical user interface is presented to said at least one computer workstation in the form of a portlet within a portal. (**Hutsch**, ¶0094) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Bowman by incorporating a portal as taught by

Art Unit: 2129

Hutsch to have a graphical user interface is presented to said at least one computer workstation in the form of a portlet within a portal.

For the purpose of ease of use, for the user by using a portlet on the desktop.

### ***Response to Arguments***

5. Applicant's arguments filed on August 16, 2006 for claims 1-44 have been fully considered but are not persuasive.

6. In reference to the Applicant's argument:

Claims 1-44 are pending in the instant application. Claims 1-44 have been rejected. Claims 1-2, 4, 6, 8-11, 21-22, 28, 33-34 and 40 have been amended. The Applicants submit that claims 1-44 are in condition for allowance and request reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

### **Specification Rejections**

The specification has been rejected by the Office Action as allegedly containing terms that have not been defined by the Applicants. The Office Action indicates that per the MPEP, section 608.01(1) the claim(s) is/are treated on its merits and a requirement made to amend the drawings and description to show the subject matter. In particular, the Office Action states that claims 4, 6, 8, 9-11, 22, and 23 recite these alleged objectionable terms. The Applicants have amended claims 4, 6, 8, 9-11, 22, and 23 to either remove these terms, or provide additional clarification. Accordingly, the Applicants respectfully submit that no amendments to the specification and/or drawings are necessary at this time in light of the aforementioned claim amendments.

### Claim Rejections Under 35 USC §101

The Office Action rejected Claims 1-14 under 35 U.S.C. 101 as allegedly containing non-statutory subject matter. The Office Action states that the invention is ineligible because it has not been limited to a substantial practical application to produce a real world result pursuant to the requirements set forth in 35 U.S.C. 101. The Office Action alleges that providing 'management services' is not a clearly defined purpose for functionality or a practical application in the real world environment and that the term 'knowledge management' is not an accepted term in the art and the claims illustrate no real world purpose.

Since the term "knowledge management" is also used in independent Claims 21 and 33, it appears that the Office Action intended to reject all Claims 1-44 as opposed to just Claims 1-14. As such, in order to progress prosecution in a timely manner, Applicants have addressed all Claims 1-44.

Applicants respectfully traverse the rejection. Applicants respectfully point out that Knowledge Management is a term that has been used in several industries since at least 1998 when the term was introduced at the 1998 March Internet World in Los Angeles. Applicants respectfully point out that when the term "Knowledge Management" is entered into the Google search engine, endless links to knowledge management websites are returned. For example, [www.kmworld.com](http://www.kmworld.com) is a conference website on knowledge management. Applicants have included an introduction of knowledge management in its background. However, in order to progress prosecution, Applicants have amended independent Claims 1, 21 and 33, which Applicants respectfully believe overcomes the 35 U.S.C. 101 rejection.

#### Examiner's response:

Not a single stated purpose, function or real world application is within the claims. There needs to exist a tangible result or purpose for the invention that is a practical application and none are stated.

7. In reference to the Applicant's argument:

Art Unit: 2129

## Claim Rejections Under - 35 USC §102

The Office Action rejected Claims 1-3, 5, 7-11, 13-44 under 35 U.S.C. 102(e) (hereinafter referred to as Bowman) being allegedly anticipated by Bowman-Amuah, U.S. 6339832. Applicants respectfully traverse the rejection. To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. ParlcRubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). As is further appreciated below, Bowman not only fails to contain all of the elements of the claim, but also fails to disclose all of the elements as arranged in the Claim, as alleged in the Office Action.

First, Applicants respectfully point out that the Office Action has already taken the position that "providing knowledge management" is not a clearly defined purpose for functionality or a practical application in the real world environment. Therefore, it would appear, following the same line of logic that a knowledge management-enabling tool also serves no real world practical purpose, because the term 'knowledge management' is not an accepted term in the art and the claims illustrate no real world purpose." In contrast, in the cited section of the patent (col. 1, lines 47-56, Bowman discloses a "Web browser called 'Mosaic' that implemented a graphical user interface..." and further "allows a user to retrieve documents from the World-Wide-Web...", which appears to be a practical purpose. Therefore, according to the Office Action, Applicants' knowledge management enabling tool is either a useful and practical real world tool, in which case the 35 U.S.C. 101 rejection is improper, or Applicants' knowledge management enabling tool is not practical and the 35 U.S.C. 102 rejection is improper. However, Applicants respectfully submit that Claim 1 as amended is clearly distinguishable over Bowman because Applicants' tool for retaining, analyzing, managing, maintaining and retrieving information is clearly different from a web browser that merely retrieves a document from the World-Wide-Web as disclosed in the Background of Bowman.

Furthermore, with respect to Claims 1 and 9, Applicants respectfully submit that Bowman does not include a solution environment. Bowman's cited interactive content, is byway of example in Bowman, a feature of the Java programming language in which simple animations, page adornments, basic games, etc. can be added to Web documents. In contrast, Applicants' claimed invention includes the solution environment, having a role manager and a context manager as clearly defined in Applicants' amended Claim 1.

With respect to Claims 2-3, 5, 7-11 and 13-20, Applicants respectfully submit that Claims 1 and 2 provide features that are clearly distinguishable over Bowman. For at

Art Unit: 2129

least these reasons, the Applicants submit that independent Claim 1 is deemed allowable. Claims 2-20 depend therefrom and, for at least this reason, are also deemed allowable, for which action is respectfully requested.

Applicants finally point out that the Office action has extracted elements from Bowman from various unrelated portions of the specification that includes 307 columns. In particular, the Office Action has extracted the web browser from column 1, lines 47-56 of Bowman, which is the background of Bowman and not even part of the Bowman invention. Therefore, the elements as cited from Bowman are clearly not arranged the same as Applicants' claimed invention.

With respect to Claims 21 and 33, Applicants refer specifically to Applicants' arguments and amendments above, with emphasis on how Applicants' enabling environment and solution environment clearly differ from Bowman. Claims 21 and 33 have been similarly amended and Applicants respectfully submit that they clearly distinguish from Bowman. In addition, Applicants point out that the elements cited from Bowman, in addition to be distinguishable from Applicants' claimed invention, are clearly not arranged the same as Applicants' claimed invention. For example, the Office Action has cited Bowman's input data from column 36. This input data is for presentation purposes on the human-computer interface. The Office action then cites column 110 for Bowman's information format and outputting a report, for purposes of generating an error report, which is the entire purpose of Bowman. In contrast, Applicants' claimed invention is for receiving knowledge management data for establishing a context for a particular project of interest. Applicants respectfully submit that Claims 21 and 33 are clearly distinguishable over Bowman and allowance is respectfully requested. Claims 22- 32 depend from Claim 21 and Claims 34-44 depend from Claim 33. For at least these reasons, the Applicants submit that claims 22-32 and 34-44 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

Examiner's response:

'Web browser' is part of the prior art of Bowman and applicant agrees with this.

'Role manager' of applicant is a subset of 'directory services' of Bowman. 'Context manager' of applicant is equivalent to 'framework' of Bowman. 'Solution environment' of applicant is equivalent to 'outputting' (Bowman, abstract) of Bowman.

Art Unit: 2129

8. In reference to the Applicant's argument:

Claim Resections Under - 35 USC 103

The Office Action has rejected Claim 4 under 35 U.S.C. 103(a) as being allegedly unpatentable over Bowman as set forth above in view of Oku (U. S. Patent 6098047 referred to as Qku). Applicants submit that the rejection is now moot because Applicants have deleted the claim element "models of pharmaceuticals" from Claim 4.

The Office Action further rejected Claim 6 under 35 U.S.C. 103(a) as being unpatentable over Bowman, as set forth above, and further in view of Link, (U. S. Patent Publication 20010034028, referred to as Link). Applicants submit that the rejection is now moot because Applicants have deleted the claim element "hard-coded rules" from Claim 6.

The Office Action further rejected Claim 12 under 35 U.S.C. 103(a) as being allegedly unpatentable over Bowman, as set forth above, and further in view of Hutsch. (U. S. Patent Publication 20010034771, referred to as Hutsch). Applicants respectfully traverse the rejection. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. In Re Wilson, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Claim 12 depends from what should be an allowable Claim 1. For at least this reason, the Applicants submit that claim 12 is also allowable.

Applicants respectfully submit that claims 4, 6, and 12 are patentable over the cited art references for at least the reasons presented above. Reconsideration and withdrawal of the outstanding rejections is respectfully requested.

Examiner's response:

The reference 'Oku' is withdrawn but 'Bowman' is still used in claim 4. The reference 'Link' is still used in claim 6.

***Examination Considerations***

9. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

10. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

11. Examiner's Opinion: Paragraphs 9 and 10 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.



***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Claims 1-44 are rejected.

***Correspondence Information***

14. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,  
Washington, D. C. 20231;

Hand delivered to:

Receptionist,  
Customer Service Window,  
Randolph Building,  
401 Dulany Street,  
Alexandria, Virginia 22313,

(located on the first floor of the south side of the Randolph Building);

or faxed to:

(571) 273-8300 (for formal communications intended for entry.)


Art Unit: 2129

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Peter Coughlan

10/17/2006



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